IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5281 OF 2006

Smt.Sushila Amarsingh Pardeshi
& Anr. ..Petitioners.
Vs.
Deputy Range Forest Officer,
Sub-Division Shahapur Forest
Division, District Thane & Ors. ..Respondents.

Mr.Rahul Kate h/for R.D.Suryavanshi, advs. for the Petitioners.

Mr.R.M.Patne, A.G.P. for the Respondent Nos.1 to 3.

CORAM : J.H.BHATIA, J.
DATE : AUGUST 17, 2007.

P.C.:

1. Heard the learned counsel for the Parties.

2. Petitioners are widow and daughter of the deceased Amarsingh Pardeshi, who was holding 25-33-1 Hectare area of land. In the enquiry before the Deputy Collector under the provisions of Maharashtra Private Forests (Acquisition) Act, 1975, the learned Deputy Collector found that the petitioner no.1 and another widow of the deceased Amarsingh Pardeshi were entitled to hold 12 hectares of land each. With these findings, he directed that 1-33-1 Hectare land be retained with the Forest Department. In Suo-Motu Revision Application, the Additional Commissioner, Konkan Division found that on 30-8-1975, land was recorded in

the name of Amarsingh Pardeshi alone and in view of the provisions of the Act, he could retain only 12 hectares of land and the remaining 13-33-1 hectare should be treated as reserved forest and could be retained by the forest department. However, in the final order, he directed that the present petitioners, who were opponent nos.2 and 3 before him, shall hand over possession of 12 hectares land to the Government and remaining 13-33-1 hectares area be treated as reserved forest. This order is challenged in the present petition.

3. There is no dispute that as per the provisions of the said Act, the holder could retain only 12 hectares of land and remaining land was to be taken by the Forest Department as reserve forest. The learned A.G.P., Mr.Patane makes a statement at bar that the mistake was committed in passing the impugned order whereby the petitioners were also directed to hand over possession of 12 hectares of land to the Government. After this mistake was brought to the notice of Additional Commissioner, he issued corrigendum whereby he directed that twelve hectares of land be returned to the petitioner. He has produced a copy of the Corrigendum marked ’X’. This fact is also clarified in paragraph 3(h) of the Affidavit-in-reply filed by A.S.Lokhande, Assistant Conservator of Forest. In view

of this twelve hectares of land has been restored to the petitioners and, therefore, there remains no grievance about the said order.

4. In view of the above circumstances, petition stands disposed off.

[J.H.BHATIA, J.]